IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

WP(C).No. 28691 of 2007(N)

PETITIONER:

M.PRAMOD,
AGED 42 YEARS,
VETTYATTIL VEEDU,
VENGERI POST,
KOZHIKODE.

BY ADV. SRI.R.SUDHISH
ADV. SMT.M.MANJU

RESPONDENTS:
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1. STATE OF KERALA
REPRESENTED BY SECRETARY
LOCAL SELF GOVERNMENT,
GOVT.SECRETARIAT
THIRUVANANTHAPURAM.

2. THE CORPORATION OF KOZHIKODE,
REPRESENTED BY ITS SECRETARY,
OFFICE OF CORPORATION OF KOZHIKODE
KOZHIKODE.

BY SR. GOVERNMENT PLEADER SMT. MEERA.
BY ADV. SRI.P.V.KUNHIKRISHNAN,SC, KOZHIKODE CORPORATION.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.P.(C) No. 28691 OF 2007

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Dated this the 9th October, 2007

J U D G M E N T

H.L. Dattu, C.J.:

Petitioner claims himself that he is a public spirited citizen. He is before this court for a direction to the second respondent to take appropriate measures pursuant to the representation filed by him.

2. Even according to the petitioner, the Corporation of Kozhikode has alienated 5.46 cents of land in favour of a third party. Having said so, the petitioner, for the reasons best known to him, has not impleaded that third party as one of the respondents in this Writ Petition. In our opinion, that third party is not only a necessary party, but also a proper party for effective disposal of the Writ Petition. Therefore, in the absence of that third party, no relief can be granted to the petitioner.

3. Accordingly, the Writ Petition requires to be rejected and it is rejected. However, liberty is reserved to the petitioner to file appropriate Writ Petition with necessary parties, if he so desires.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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